

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JOHN DOE, et al.,

Plaintiffs,

v.

DONALD TRUMP, et al.,

Defendants.

CASE NO. C17-0178JLR

STIPULATED MOTION AND
~~PROPOSED~~ ORDER TO MODIFY
DEADLINE FOR DISCOVERY MOTIONS

(RELATING TO BOTH CASES)

JEWISH FAMILY SERVICE of
SEATTLE, et al.,

Plaintiffs,

v.

DONALD TRUMP, et al.,

Defendants.

CASE NO. C17-1707JLR

NOTE ON MOTION CALENDAR: August
20, 2018

The parties in *John Doe v. Trump* and *Jewish Family Service of Seattle v. Trump*, by and through their undersigned counsel, hereby stipulate and jointly move to modify the deadline to file discovery motions related to jurisdictional discovery set forth in the Court's July 27, 2018 Order (Dkt. No. 155) (hereinafter, "July 27 Order") from September 25, 2018, to October 9, 2018. This modification is needed to permit the parties to confer and, if necessary, draft motions following defendants' completion of document production responsive to Plaintiffs' First Set of

STIPULATED MOTION AND [PROPOSED]
ORDER TO MODIFY DEADLINE FOR
DISCOVERY MOTIONS (No. C17-0178JLR) – 1

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1 Requests for Production, which defendants have advised may not be possible until September 14,
2 2018, and service of defendants' privilege log, which defendants have advised may not be
3 possible until seven days after the completion of that production.

4 **I. BACKGROUND**

5 On July 27, 2018, the Court granted plaintiffs' motion for jurisdictional discovery on
6 mootness and set a 90 day deadline for completion of that discovery. July 27 Order at 29-30.
7 The July 27 Order mandates that the parties "file any related discovery motions within 60 days of
8 the filing date of [the] order," which is September 25, 2018. *Id.* at 29.

9 Five days later, on August 1, 2018, plaintiffs in both actions served a combined first set
10 of requests for production of documents on defendants and requested that, given the discovery
11 schedule, defendants respond to the request within 15 days of service. On August 7, 2018,
12 defendants advised that they intended to (1) provide written responses and objections to
13 plaintiffs' first set of requests by August 22, 2018; (2) produce responsive documents by
14 September 14, 2018; and (3) provide a privilege log within seven days following completion of
15 that production, with all such proposed deadlines subject to change depending on the volume of
16 potentially responsive records and any unforeseen complications during processing and
17 production, as well as competing work demands. On August 10, 2018, the parties telephonically
18 conferred regarding this schedule, and plaintiffs expressed concern that the schedule provided
19 insufficient time to file any necessary discovery motions by the September 25 deadline.
20 Defendants explained that, while they hope to produce documents on a rolling basis, they cannot
21 commit to producing documents and a privilege log within a shorter timeframe, particularly
22 because defendants continue to search for documents that are responsive to plaintiffs' requests,
23 and thus defendants do not yet know the volume of material that will need to be ultimately
24 reviewed. Moreover, to promote accuracy in production, defendants have put in place a multitier
25 document review process involving agency custodians, agency counsel, and Department of
26 Justice litigation counsel. Defendants' estimated timeframe accounts for this multitier review

1 process as well as expected absences during the remainder of the summer and around the Labor
2 Day holiday.

3 **II. ARGUMENT**

4 Because defendants plan to produce the privilege log within seven days following
5 completion of document production, which itself may not be completed until September 14, the
6 current discovery motion deadline potentially leaves the parties with only four days—and only
7 two business days—to confer and file motions regarding any privilege issues that may arise on
8 review of the privilege log. This is an insufficient amount of time and may lead to needless
9 motion practice regarding issues that could have been resolved between the parties if they had
10 more time to confer. The parties therefore seek to move the discovery motion deadline to
11 October 9, 2018—two weeks from the current deadline. That date should still enable the parties
12 to complete jurisdictional discovery by the October 25, 2018, deadline prescribed by the July 27
13 Order.

14 **III. CONCLUSION**

15 For the reasons stated above, the parties jointly and respectfully request that the Court
16 modify the discovery motion deadline set forth in the Court's July 27, 2018 Order from
17 September 24, 2018, to October 9, 2018.
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Respectfully submitted,

DATED: August 20, 2018

s/ Deepa Alagesan

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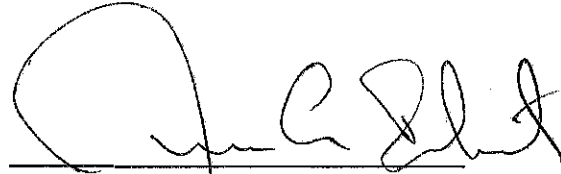
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~~PROPOSED~~ ORDER REGARDING JURISDICTIONAL DISCOVERY SCHEDULE

The Court, upon consideration of the parties' Joint Motion to Modify Deadline for Discovery Motions (the "Motion") and the record in this matter, hereby ORDERS that the Motion is GRANTED. Any motions relating to the parties' jurisdictional discovery regarding mootness shall be filed by October 9, 2018.

1 **IT IS SO ORDERED.**

2 DATED this 21st day of August, 2018.



THE HONORABLE JAMES L. ROBERT
UNITED STATES DISTRICT JUDGE

7 Presented by:

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on August 20, 2018, I caused to be electronically filed the foregoing
3 document with the Clerk of the Court using the CM/ECF system which will send notification of
4 such filing to all of the registered CM/ECF users for this case.

5 I hereby declare under penalty of perjury of the laws of the State of Washington that the
6 foregoing is true and correct.

7 DATED this 20th day of August, 2018.

8 /s/ Tyler Roberts
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